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REMARKS

This response is intended as a full and complete response to the final Office Action mailed July 31, 2006.

Claims 39-56 are pending. By this response, Applicants have amended independent claims 39 and 48. The amendments are fully supported by Applicants' original specification, including the original claims and drawings.

In view of the foregoing amendments and the following discussion, Applicants respectfully submit that none of the claims now pending in the application are obvious over the cited references under the provisions of 35 U.S.C. §103. Thus, Applicants believe that all these claims are now in allowable form.

It is to be understood that Applicants, by amending the claims, do not acquiesce to the Examiner's characterizations of the art of record or to Applicants' subject matter recited in the pending claims. Further, Applicants are not acquiescing to the Examiner's statements as to the applicability of the prior art of record to the pending claims by filing the instant response including amendments.

Claims 39-56 Patentable over Ellis/Zdepski under §103

Claims 1-11, 13, and 16-34 were rejected under 35 U.S.C. §103(a) as being unpatentable over Publication No. US 2004/0117831 for Ellis et al. ("Ellis") in view of U.S. Patent No. 6,606,746 to Zdepski et al. ("Zdepski"). The rejection is traversed.

According to MPEP §2143, to establish a prima facie case of obviousness under §103, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

The combination of Ellis and Zdepski fails to teach or suggest all the elements in claims 39-56.

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Ellis fails to teach, show or suggest slice based encoding. The Examiner concedes this in the Office Action dated July 31, 2006. (See p. 4, ll. 10-11.) However, the Examiner then asserts that Zdepski bridges the substantial gap left by Ellis. The Applicants' respectfully submit that Zdepski also fails to teach slice-based encoding. Regardless, even if the Examiner maintains the broad interpretation of Zdepski, Zdepski fails to teach the Applicants' amended independent claims 39 and 48 because Zdepski clearly does not teach or suggest recombining slice-encoded packets of data or the regions in the order they arrive.

Zdepski discloses a method for displaying a graphical user interface by providing a compressed background picture and pasting insert pictures into the background picture in response to interactive program execution and/or user input. (Zdepski, abstract.) Such pasting one picture into another is not the same as the claimed slice encoding of different regions that form a music interface, because no pasting is done. Specifically, each region is separately slice-encoded at the headend and then recombined to form the music interface for display at the set top terminal. The claimed recombined regions are different than the background and pasted insert picture of Zdepski. Furthermore, the division of frames into a grid of squares in Zdepski is different than the claimed slice-encoded regions, because regions are functional (e.g., music channel listing region, header region, music channel description region) while the grid is based on pixels. (Zdepski, col. 2, lines 29-39; Figure 4A.)

Regardless, even if the Examiner maintains the unduly broad interpretation of Zdepski, Zdepski still fails to teach, show or suggest recombining slice-encoded packets of data or the regions in the order they arrive. Zdepski teaches away from the Applicants' invention because Zdepski teaches that "the subscriber television uses the back-ground picture slice map to determine a location of the replacement slices comprised in the compressed background picture, and uses the insert picture slice map to provide the slices comprising the compressed insert picture in place of the replacement slices." (See Zdepski, col. 13, ll. 29-37, emphasis added.) In other words, Zdepski requires the use of slice maps to determine the location of where the compressed insert pictures are to be "pasted".

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Therefore, claims 39-56 are patentable over the proposed combination of Ellis and Zdepski under §103 and Applicants respectfully request reconsideration and allowance.

CONCLUSION

Thus, Applicants submit that all the claims pending in the application are in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Eamon J. Wall or Jimmy Kim at (732) 530-9404 so appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

9/21/06

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